



General Assembly

***Substitute Bill No. 371***

*February Session, 2000*

***An Act Concerning The Classification And Regulation Of Drugs  
By The Department Of Consumer Protection And The Issuance  
Of A Temporary Permit To Practice Pharmacy.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subdivision (49) of section 21a-240 of the general statutes  
2       is repealed and the following is substituted in lieu thereof:

3       (49) "Restricted drugs or substances" are the following substances  
4       without limitation and for all purposes: Datura stramonium;  
5       hyoscyamus niger; atropa belladonna, or the alkaloids atropine;  
6       hyoscyamine; belladonnine; apatropine; or any mixture of these  
7       alkaloids such as daturine, or the synthetic homatropine or any salts of  
8       these alkaloids, except that any drug or preparation containing any of  
9       the above-mentioned substances which is permitted by federal food  
10      and drug laws to be sold or dispensed without a prescription or  
11      written order shall not be a controlled substance; amyl nitrite; the  
12      following volatile substances to the extent that said chemical  
13      substances or compounds containing said chemical substances are  
14      sold, prescribed, dispensed, compounded, possessed or controlled or  
15      delivered or administered to another person with the purpose that said  
16      chemical substances shall be breathed, inhaled, sniffed or drunk to  
17      induce a stimulant, depressant or hallucinogenic effect upon the higher  
18      functions of the central nervous system: Acetone; benzene; butyl  
19      alcohol; butyl nitrate and its salts, isomers, esters, ethers or their salts;

20 cyclohexanone; dichlorodifluoromethane; ether; ethyl acetate;  
21 formaldehyde; hexane; isopropanol; methanol; methyl cellosolve  
22 acetate; methyl ethyl ketone; methyl isobutyl ketone; nitrous oxide;  
23 pentochlorophenol; toluene; toluol; trichloroethane; trichloroethylene;  
24 1,4 butanediol.

25 Sec. 2. Subsection (k) of section 21a-106 of the general statutes is  
26 repealed and the following is substituted in lieu thereof:

27 (k) If it is a [drug sold at retail for use by man and contains any  
28 quantity of amidopyrine, barbituric acid, cinchophen,  
29 bishydroxycoumarin, dinitrophenol, methylparafynol, thiouracil or  
30 thyroid, or any derivative of any of these substances, or (1) is a habit-  
31 forming drug to which subsection (d) of this section applies; or (2)  
32 because of its toxicity or other potentiality for harmful effect, or the  
33 method of its use, or the collateral measures necessary to its use, is not  
34 safe for use except under the supervision of a practitioner licensed by  
35 law to administer such drug; or (3) is limited by an effective  
36 application under section 21a-111 to use under the professional  
37 supervision of a practitioner licensed by law to administer such drug,  
38 unless it is sold on a written, oral or electronically-transmitted  
39 prescription of a practitioner licensed by law to administer such drug;  
40 and its label bears the name and place of business of the seller, the  
41 serial number and date of such prescription and the name of such  
42 practitioner] legend drug, as defined in subdivision (14) of section 20-  
43 571, as amended by this act, that is not administered, dispensed,  
44 prescribed or otherwise possessed or distributed in accordance with  
45 federal and state laws and regulations.

46 Sec. 3. Section 20-617 of the general statutes, as amended by public  
47 act 99-49 and section 38 of public act 99-175, is repealed and the  
48 following is substituted in lieu thereof:

49 Each pharmacist shall include on the label of each prescription  
50 container: (1) The quantity of prescribed drug placed in such container,  
51 in addition to any other information required by law; and (2) a

52 prominently printed expiration date based on the manufacturer's  
53 recommended conditions of use and storage that can be read and  
54 understood by the ordinary individual. [under customary conditions  
55 of purchase, use and storage based on the manufacturer's  
56 recommended guidelines. In the absence of data to the contrary, the]  
57 The expiration date required pursuant to subdivision (2) of this section  
58 shall be no later than the expiration date determined by the  
59 manufacturer.

60 Sec. 4. Subsection (l) of section 21a-249 of the general statutes is  
61 repealed and the following is substituted in lieu thereof:

62 (l) Any pharmacy may transfer prescriptions for controlled  
63 substances included in schedules III, IV and V to any other pharmacy  
64 in accordance with the requirements set forth in [21 CFR 1306.26] the  
65 federal Controlled Substances Act 21 USC 801 et seq. and the  
66 regulations promulgated thereunder, as from time to time amended.

67 Sec. 5. Subdivisions (13) and (14) of section 20-571 of the general  
68 statutes, as amended by section 6 of public act 99-175, are repealed and  
69 the following is substituted in lieu thereof:

70 (13) "Legend device" means a device that is required by applicable  
71 federal or state law to be dispensed pursuant only to a prescription or  
72 is restricted to use by prescribing practitioners only or that, under  
73 federal law, is required to bear either of the following legends: (A)  
74 ["RX ONLY IN ACCORDANCE WITH GUIDELINES ESTABLISHED  
75 IN THE FEDERAL FOOD, DRUG AND COSMETIC ACT."] "RX  
76 ONLY" IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN  
77 THE FEDERAL FOOD, DRUG AND COSMETIC ACT; or (B)  
78 "CAUTION: FEDERAL LAW RESTRICTS THIS DEVICE FOR USE BY  
79 OR ON THE ORDER OF A LICENSED VETERINARIAN.";

80 (14) "Legend drug" means a drug that is required by any applicable  
81 federal or state law to be dispensed pursuant only to a prescription or  
82 is restricted to use by prescribing practitioners only, or means a drug  
83 that, under federal law, is required to bear either of the following

84 legends: (A) ["RX ONLY IN ACCORDANCE WITH GUIDELINES  
85 ESTABLISHED IN THE FEDERAL FOOD, DRUG AND COSMETIC  
86 ACT."] "RX ONLY" IN ACCORDANCE WITH GUIDELINES  
87 ESTABLISHED IN THE FEDERAL FOOD, DRUG AND COSMETIC  
88 ACT; or (B) "CAUTION: FEDERAL LAW RESTRICTS THIS DRUG  
89 FOR USE BY OR ON THE ORDER OF A LICENSED  
90 VETERINARIAN".

91 Sec. 6. Section 21a-318 of the general statutes, as amended by section  
92 50 of public act 99-175, is repealed and the following is substituted in  
93 lieu thereof:

94 An application for registration pursuant to this chapter shall be  
95 made upon a form provided by the Commissioner of Consumer  
96 Protection and shall be accompanied by a fee of [twenty-five] ten  
97 dollars for [biennial licensure] annual registration, except that a  
98 practitioner who obtains such registration pursuant to the  
99 practitioner's employment with a municipality, this state or the federal  
100 government shall not be required to pay the fee.

101 Sec. 7. Section 20-579 of the general statutes, as amended by section  
102 14 of public act 99-175, is repealed and the following is substituted in  
103 lieu thereof:

104 (a) The commission may refuse to authorize the issuance of a  
105 temporary permit to practice pharmacy, may refuse to authorize the  
106 issuance or renewal of a license to practice pharmacy, a license to  
107 operate a pharmacy or a registration of a pharmacy intern or pharmacy  
108 technician, and may revoke or suspend a license or temporary permit  
109 to practice pharmacy, a license to operate a pharmacy, or a registration  
110 of a pharmacy intern or a pharmacy technician, and may assess a civil  
111 penalty of up to one thousand dollars or take other action permitted in  
112 subdivision (7) of section 21a-7 if the applicant or holder of the license,  
113 temporary permit or registration: (1) Has violated a statute or  
114 regulation relating to drugs, devices or the practice of pharmacy of this  
115 state, any state of the United States, the United States, the District of

116 Columbia, the Commonwealth of Puerto Rico, any territory or insular  
117 possession subject to the jurisdiction of the United States or a foreign  
118 jurisdiction; (2) has been convicted of violating any criminal statute  
119 relating to drugs, devices or the practice of pharmacy of this state, any  
120 state of the United States, the United States, the District of Columbia,  
121 the Commonwealth of Puerto Rico, any territory or insular possession  
122 subject to the jurisdiction of the United States or a foreign jurisdiction;  
123 (3) has been disciplined by, or is the subject of pending disciplinary  
124 action or an unresolved complaint before, the duly authorized  
125 pharmacy disciplinary agency of any state of the United States, the  
126 United States, the District of Columbia, the Commonwealth of Puerto  
127 Rico, any territory or insular possession subject to the jurisdiction of  
128 the United States or a foreign jurisdiction; (4) has been refused a  
129 license or registration or renewal of a license or registration by any  
130 state of the United States, the United States, the District of Columbia,  
131 the Commonwealth of Puerto Rico, any territory or insular possession  
132 subject to the jurisdiction of the United States or a foreign jurisdiction  
133 based on grounds that are similar to grounds on which Connecticut  
134 could refuse to issue or renew such a license or registration; (5) has  
135 illegally possessed, diverted, sold or dispensed drugs or devices; (6)  
136 abuses or excessively uses drugs, including alcohol; (7) has made false,  
137 misleading or deceptive representations to the public or the  
138 commission; (8) has maintained exclusive telephone lines to, has  
139 maintained exclusive electronic communication with, or has exclusive  
140 access to computers located in offices of prescribing practitioners,  
141 nursing homes, clinics, hospitals or other health care facilities; (9) has  
142 substituted drugs or devices except as permitted in section 20-619, as  
143 amended by section 39 of public act 99-175; (10) has accepted, for  
144 return to regular stock, any drug already dispensed in good faith or  
145 delivered from a pharmacy, and exposed to possible and uncontrolled  
146 contamination or substitution; (11) has split fees for professional  
147 services, including a discount or rebate, with a prescribing practitioner  
148 or an administrator or owner of a nursing home, hospital or other  
149 health care facility; (12) has entered into an agreement with a  
150 prescribing practitioner or an administrator or owner of a nursing

151 home, hospital or other health care facility for the compounding or  
152 dispensing of secret formula or coded prescriptions; (13) has  
153 performed or been a party to a fraudulent or deceitful practice or  
154 transaction; (14) has presented to the commission a diploma, license or  
155 certificate illegally or fraudulently obtained, or obtained from a college  
156 or school of pharmacy not approved by the commission; (15) has  
157 performed incompetent or negligent work; (16) has falsified a  
158 continuing education document submitted to the commission or  
159 department or a certificate retained in accordance with the provisions  
160 of subsection (d) of section 20-600, as amended by section 29 of public  
161 act 99-175; (17) has permitted a person not licensed to practice  
162 pharmacy in this state to practice pharmacy in violation of section  
163 20-605, as amended by section 31 of public act 99-175, to use a  
164 pharmacist license or pharmacy display document in violation of  
165 section 20-608, as amended by section 34 of public act 99-175, or to use  
166 words, displays or symbols in violation of section 20-609; or (18) has  
167 failed to maintain the entire pharmacy premises, its components and  
168 contents in a clean, orderly and sanitary condition.

169 (b) The commission may refuse to authorize the issuance of a  
170 temporary permit to practice pharmacy, may refuse to authorize the  
171 issuance or renewal of a license to practice pharmacy, a license to  
172 operate a pharmacy or a registration of a pharmacy intern or pharmacy  
173 technician, and may revoke or suspend a license or temporary permit  
174 to practice pharmacy, a license to operate a pharmacy, or a registration  
175 of a pharmacy intern or a pharmacy technician, or take other action  
176 permitted in subdivision (7) of section 21a-7 if the commission  
177 determines that the applicant or holder of the license, temporary  
178 permit or registration has a condition including, but not limited to,  
179 physical illness or loss of skill or deterioration due to the aging  
180 process, emotional disorder or mental illness, abuse or excessive use of  
181 drugs or alcohol that would interfere with the practice of pharmacy,  
182 operation of a pharmacy or activities as a pharmacy intern or  
183 pharmacy technician, provided the commission may not, in taking  
184 action against a license, temporary permit or registration holder on the

185 basis of such a condition, violate the provisions of section 46a-73 or 42  
186 USC Section 12132 of the federal Americans with Disabilities Act.

187 Sec. 8. Section 20-590 of the general statutes is amended by adding  
188 subsections (c) and (d) as follows:

189 (NEW) (c) The Department of Consumer Protection shall, upon  
190 authorization of the commission, issue a temporary permit to practice  
191 pharmacy to an individual who: (1) Practices under the direct  
192 supervision of a licensed pharmacist; (2) has an application for  
193 reciprocity on file with the commission; (3) is a licensed pharmacist in  
194 good standing in a state or jurisdiction from which such state's  
195 pharmacy board or commission of pharmacy grants similar reciprocal  
196 privileges to pharmacists licensed in this state; and (4) has no actions  
197 pending against such individual's license with any state's pharmacy  
198 board or commission of pharmacy.

199 (NEW) (d) A temporary permit to practice pharmacy shall expire at  
200 the time the individual with the temporary permit is licensed as a  
201 pharmacist in this state, or not later than six months from the date of  
202 issuance of such temporary permit. The Department of Consumer  
203 Protection shall not issue more than one temporary permit to practice  
204 pharmacy to an individual.

205 Sec. 9. Section 20-601 of the general statutes, as amended by section  
206 30 of public act 99-175, is repealed and the following is substituted in  
207 lieu thereof:

208 The department shall collect the following nonrefundable fees:

209 (1) The fee for issuance of a pharmacist license [shall be] is one  
210 hundred dollars, payable at the date of application for the license.

211 (2) The fee for applying to take the pharmacist license examination  
212 required in section 20-590, as amended by section 18 of public act 99-  
213 175, and as amended by this act, and in section 20-591, as amended by  
214 section 19 of public act 99-175, [shall be] is one hundred fifty dollars,

215 payable at the date of application for the pharmacist license.

216 (3) The fee for renewal of a pharmacist license [shall be] is the  
217 professional services fee for class A, as defined in section 33-1821.  
218 Before the commission grants a license to an applicant who has not  
219 held a license authorized by the commission within five years of the  
220 date of application, the applicant shall pay the fees required in  
221 subdivisions (1) and (2) of this section.

222 (4) The fee for issuance of a pharmacy license [shall be] is six  
223 hundred dollars.

224 (5) The fee for renewal of a pharmacy license [shall be] is one  
225 hundred fifty dollars.

226 (6) The late fee for an application for renewal of a license to practice  
227 pharmacy, a pharmacy license or a permit to sell nonlegend drugs  
228 [shall be] is the amount set forth in section 21a-4, as amended by  
229 section 4 of public act 99-194.

230 (7) The fee for notice of a change in officers or directors of a  
231 corporation holding a pharmacy license [shall be] is thirty dollars for  
232 each pharmacy license held. A late fee for failing to give such notice  
233 within ten days of the change [shall be] is twenty-five dollars in  
234 addition to the fee for notice.

235 (8) The fee for filing notice of a change in name, ownership or  
236 management of a pharmacy [shall be] is forty-five dollars. A late fee  
237 for failing to give such notice within ten days of the change [shall be] is  
238 twenty-five dollars in addition to the fee for notice.

239 (9) The fee for application for registration as a pharmacy intern  
240 [shall be] is thirty dollars.

241 (10) The fee for application for a permit to sell nonlegend drugs  
242 [shall be] is seventy dollars.

243 (11) The fee for renewal of a permit to sell nonlegend drugs [shall



244 be] is fifty dollars.

245 (12) The late fee for failing to notify the commission of a change of  
246 ownership, name or location of the premises of a permit to sell  
247 nonlegend drugs within five days of the change [shall be] is ten  
248 dollars.

249 (13) The fee for issuance of a nonresident pharmacy certificate of  
250 registration [shall be] is six hundred dollars.

251 (14) The fee for renewal of a nonresident pharmacy certificate of  
252 registration [shall be] is one hundred fifty dollars.

253 (15) The fee for application for registration as a pharmacy technician  
254 [shall be] is fifty dollars.

255 (16) The fee for renewal of a registration as a pharmacy technician  
256 [shall be] is twenty-five dollars.

257 (17) The fee for issuance of a temporary permit to practice pharmacy  
258 is one hundred dollars.

259 Sec. 10. Section 20-605 of the general statutes, as amended by section  
260 31 of public act 99-175, is repealed and the following is substituted in  
261 lieu thereof:

262 No individual may engage in the practice of pharmacy unless the  
263 individual holds a current license or temporary permit to practice  
264 pharmacy issued by the department.

265 Sec. 11. Section 20-607 of the general statutes, as amended by section  
266 33 of public act 99-175, is repealed and the following is substituted in  
267 lieu thereof:

268 Each person practicing as a pharmacist, pharmacy intern or  
269 pharmacy technician shall at all times have available for inspection by  
270 an inspector of the department a current certificate of license or  
271 temporary permit to practice pharmacy or a current registration to act

272 as a pharmacy intern or pharmacy technician.

273 Sec. 12. Section 20-608 of the general statutes, as amended by section  
274 34 of public act 99-175, is repealed and the following is substituted in  
275 lieu thereof:

276 A pharmacist who permits such pharmacist's certificate of license,  
277 temporary permit or display document to be used by an unlicensed  
278 person for unlawful use shall be fined one hundred dollars and shall  
279 be subject to other disciplinary proceedings within the authority of the  
280 commission.

281 Sec. 13. Subsection (a) of section 20-613 of the general statutes, as  
282 amended by section 35 of public act 99-175, is repealed and the  
283 following is substituted in lieu thereof:

284 (a) Except as provided in subsections (b) and (d) of this section, a  
285 drug or a legend device may be dispensed pursuant to a prescription  
286 only in a pharmacy or institutional pharmacy by a pharmacist or by a  
287 pharmacy intern when acting under the direct supervision of a  
288 pharmacist, or by an individual holding a temporary permit.

**GL Committee Vote:** Yea 14 Nay 0 JFS